Public Services

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VERN M. REDIFER, P.E., Director

September 9, 2010

Sharleen Bakeman – Permit Comments
Water Quality Program
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Re: DRAFT 2010 CONSTRUCTION STORMWATER GENERAL PERMIT

Yakima County would like to thank the Department of Ecology for the opportunity to comment on the proposed permit. We offer the following comments:

1) Section S1.C.1. This section authorizes "discharge of stormwater associated with construction activity to surface waters of the State or to a storm sewer system that drains to surface waters of the State from a designated construction site".

We request that Ecology remove the authorization to discharge to storm sewer systems that are regulated by the NPDES municipal stormwater permit for the following reasons:

- Municipal permittees are responsible for their regulated municipal separate storm sewer systems (MS4s);
- Permit overlap reduced. The municipal and construction permits would only overlap when a site discharges to both surface waters of the State and a regulated MS4.

2) Section S1.C.3. This section authorizes certain non-stormwater discharges. The following authorized discharges are also found in the Eastern Washington Phase II Municipal Stormwater Permit, however, the municipal permit contains specific conditions not found in the draft construction permit such as:

- Fire hydrant flushing
- Potable water including water line flushing
- Pipeline hydrostatic test water
- Dust control water
- External building wash
- Landscape irrigation water

In general, local jurisdictions have adopted municipal stormwater permit language in their illicit discharge detection and elimination (IDDE) ordinance. To further complicate matters, non-stormwater discharges covered by another NPDES permit such as industrial, CAFO and others, are allowed, without condition, under the municipal stormwater permit, and therefore under Yakima County code. The end result is that, without stormwater permit conditions, a site can discharge to the Yakima County MS4 under the proposed Ecology construction general permit at a lower standard than otherwise allowed by the stormwater permit and local code.

Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.

If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.

We propose that non-stormwater discharges should be authorized with the same conditions as found in the municipal stormwater permit and language added such as "and in accordance with local code, whichever is more restrictive" to provide consistency between the construction and municipal stormwater permits.

3) Section S1.E. This section identifies stormwater discharges not covered by the proposed permit. We assume exemptions should be identified in this section and have identified another apparent inconsistency with the municipal permit. In Appendix 1 of the municipal permit, forest practices; commercial agriculture; oil and gas field activities or operations; and road and parking area preservation/maintenance are exempt from minimum technical requirements, including preparation and implementation of a construction stormwater pollution prevention plan. With the exception of forest practices, these exemptions are not noted in the proposed general construction permit.

   We suggest that Ecology include language to make the two permits consistent, however, the oil and gas field activities or operations exemption should be limited to that specified in the Clean Water Act Title 33, Chapter 26, Subchapter IV, § 1342(l)(2) which exempts only those oil, gas, and mining operations that consist of conveyances not contaminated by overburden, raw material, intermediate products, finished product, byproduct, or waste products.

If you have questions regarding our comments, please contact Brian Cochrane, (509) 574-2354.

Sincerely,

Donald H. Gatchalian, P.E., Assistant Director
Yakima County Public Services

c: Terry Keenhan, Yakima County
Jim Bridges, City of Sunnyside
Dennis Henne, City of Union Gap
Scott Schafer, City of Yakima
Joe Walsh, Central Washington Homebuilders Association